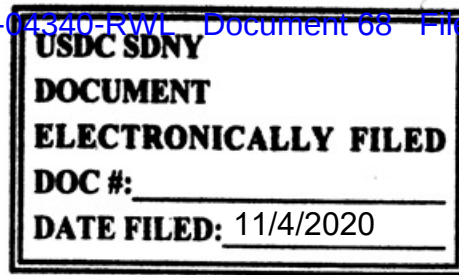




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November 2, 2020

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VIA ECF

Honorable Robert W. Lehrburger
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Abraham Gross v. The City of New York, et al.: Civil Action No.: 20-cv 04340(GBD)(RWL)

Dear Judge Lehrburger:

We represent Defendants Common Ground Management Corp d/b/a Breaking Ground Management ("Breaking Ground"), Brenda Rosen, Teresa Palmieri, Vanessa Curcurullo, Stephanie Labarta and Travis Fong (collectively the "Breaking Ground") in the above-referenced matter. This matter is currently scheduled for a Settlement Conference on November 9, 2020 at 1:30 P.M. Breaking Ground Director of Leasing Teresa Palmieri and Aaron Dobish, Independent Consultant, will participate in the conference on behalf of the Breaking Ground Defendants.

Pursuant to Paragraph 5 of Your Honor's Settlement Conference Procedures, we write to request that the individually named defendants President & Chief Executive Officer Brenda Rosen, Assistant Director of Leasing Vanessa Curcurullo, Senior Analyst Stephanie Labarta and Travis Fong be excused from participation in the Settlement Conference. Ms. Curcurullo and Ms. Labarta are current Breaking Ground employees who do not have settlement authority. Similarly, Mr. Fong is a former Breaking Ground employee, who does not have settlement authority. Breaking Ground submits that Ms. Rosen's personal attendance for the Settlement Conference is not necessary for a productive resolution discussion.

In addition to the foregoing request, Breaking Ground also requests that its liability insurer be excused from participation in the Settlement Conference as the carrier's participation in the conference is not necessary for Breaking Ground to engage in settlement negotiations at this stage.

Respectfully submitted,

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Laura B. Juffa


cc: All Counsel and Parties of Record
(via ECF)

Abraham Gross
Pro Se Plaintiff
(via e-mail)

So ordered, except that the insurer must be available during the conference in the event the Court would find it productive to include them in the discussion.

SO ORDERED:

11/4/2020


HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE